

AN ORDINANCE BY

COUNCIL MEMBER MARY NORWOOD

AN ORDINANCE TO AMEND CHAPTER 74, ARTICLE V OF THE CODE OF ORDINANCES BY ADDING SECTION 74-173 SO AS TO DEFINE AN UNCLEAN VACANT LOT AS A NUISANCE PER SE AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta has a responsibility to create and preserve a safe, healthy, attractive and economically sound urban environment; and

WHEREAS, the City of Atlanta is committed to maintaining decent, safe and sanitary environmental conditions within its neighborhoods; and

WHEREAS, the City of Atlanta recognizes that unclean vacant lots not only threaten or endanger the health, safety or general welfare of residents, but also contributes to the decline of community spirit, physical appearance and property values of neighborhoods.

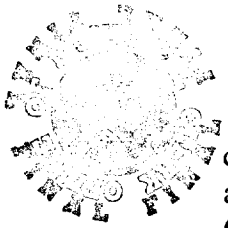
NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA as follows:

SECTION 1:

Chapter 74, Article V "Nuisances" be amended by adding the following section:

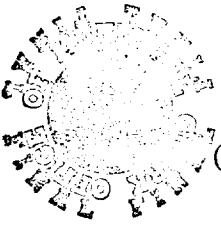
Sec. 74-173. Unclean Vacant Lot

- (a) *Nuisance declared.* It shall be unlawful for the owner of a vacant lot, tract, or parcel of land in the city to permit the accumulation of trash and other refuse upon said property to the extent that it endangers the public health, safety or welfare. The accumulation of such trash and other refuse shall constitute a public nuisance per se.
- (b) *Notice to owner to remedy condition.* Except in urgent circumstances where the public health and safety require an immediate hearing within the municipal court as set forth in subsection (c) of this section, the commissioner of public works shall give written notice to the owner, or the person in charge or control of such property stating that in the opinion of the commissioner the conditions existing upon that property constitute a nuisance, setting forth action to be taken to eliminate the objectionable conditions, and requesting that it be made within the number of days specified in the notice. The notice shall further state that unless objectionable conditions are voluntarily removed within the time specified it will be the duty of the commissioner to cause summons to be issued requiring the party notified to appear in the municipal court to have there determined whether the conditions involved constitute a nuisance and should be abated.
- (c) *Court of appearance.* If the commissioner of public works shall determine that conditions constituting a nuisance exist on any property within the city, it shall be the duty of the



commissioner to issue summons to the owner of the property, persons in possession, and all parties in interest, to appear before the judge of the municipal court as provided by O.C.G.A. § 41-2-5 to determine whether or not such conditions constitute a nuisance and should be abated.

- (d) *Hearing; failure to comply with order to abate.* If, upon a hearing as provided for before the judge of the municipal court, the judge shall find that the conditions set out in this section exist and that those constitute a nuisance, and further orders the person to abate within a specified time, then each ten days that the condition adjudicated to be a nuisance by the judge is maintained subsequent to the expiration of the time fixed in the judgment shall constitute an offense.
- (e) *Action of commissioner upon failure to abate nuisance within specified time.* Upon the adjudication by the judge of the municipal court that a nuisance exists, and notwithstanding the provisions set out in this section, if the owner of the property has not abated the nuisance after the expiration of five days from the date of the adjudication by the judge of the municipal court, then the commissioner of public works shall cause the nuisance to be abated and the objectionable conditions to be removed from the property. The commissioner of public works shall be authorized to cause the removal of trash and refuse from the property and to charge the cost and expense thereof to the owner. If the owner of the real property affected has been adjudged responsible for abatement, and the charges remain unpaid for a period of 30 days after payment is due, the mayor or designee shall cause an execution to be issued against the owner of the property for those charges. The execution shall be a lien on the property and, when recorded in the general execution docket of the county, shall be a lien on all property of the defendant in execution from the date of such recording.
- (f) *Service of summons issued by public officers; return as evidence of service.*
 - (1) Summons or complaints issued in accordance with subsection (c) of this section shall, in all cases, be served upon owners and parties in interest, and the return of service signed by the public officer or agent or an affidavit of service executed by a duly authorized citizen of this state reciting that a copy of such complaint or orders was served upon the owners and parties of interest personally or by leaving such copy at the place of residence shall be sufficient evidence as to the service of such person in possession, owners and parties in interest.
 - (2) If any of the owners and parties in interest shall reside out of the city, service shall be perfected by causing a copy of such summons or complaint to be served upon such party by the sheriff or any lawful deputy of the county of the residence of such party or such service may be made by any citizen; and the return of such sheriff or lawful deputy or the affidavit of such citizen that such party was served either personally or by leaving a copy of the complaint or orders at the residence, shall be conclusive as to such service.



- (3) Nonresidents of this state shall be served by causing a copy of the complaints or summons to be posted in a conspicuous place on the property affected by the complaint or summons. Where the address of such nonresident is known, such as the address on file with the tax assessor, a copy of such complaint or order shall be mailed to such person by registered or certified mail. A copy of such complaint or summons will also be filed in the proper office or offices for the filing of lis pendens notices in the county in which the property is located, and such filing of the summons or complaint shall have the same force and effect as other lis pendens notices provided by law.
- (4) If either the owner or any party in interest is a minor or an insane person or person laboring under disabilities and the guardian or personal representative resides outside the city or is a nonresident, such person shall be served as provided in this section in such cases. If such minor or insane person or person laboring under disabilities has no guardian or personal representative or if such minor or insane person lives outside of the city or is a nonresident, service shall be perfected by serving such minor or insane person personally or by leaving a copy at the place of such person's residence, which shall be sufficient evidence as to the service of such person. In the case of other persons who live outside of the city or who are nonresidents, service shall be perfected by serving the judge of the probate court of the county wherein such property is located, who shall stand in the place of and protect the rights of such minor or insane person or appoint a guardian ad litem for such person.
- (5) If the whereabouts of any owner or party in interest are unknown and the same cannot be ascertained by the public officer in the exercise of reasonable diligence, and the public officer shall make an affidavit to the effect, then the service of such complaint or summons upon such persons shall be made in the same manner as provided for nonresidents of the state as set out in this section, or service may be perfected upon any person holding itself out as an agent for the property involved.

SECTION 2:

That all ordinances or parts or ordinances in conflict herewith are hereby repealed.

A true copy,
Thonda Daughen Johnson
Municipal Clerk, CMC

ADOPTED by the Council
APPROVED by the Mayor

JULY 01, 2002
JULY 09, 2002

CONSENT I

		07/01/02 Council Meeting
ITEMS ADOPTED ON CONSENT AGENDA	ITEMS ADOPTED ON CONSENT AGENDA	ITEMS ADVERSE ON CONSENT AGENDA
1. 02-O-0718	34. 02-R-1074	39. 02-R-1076
2. 02-O-1021	35. 02-R-1075	40. 02-R-1077
3. 02-O-1022	36. 02-R-1124	41. 02-R-1078
4. 02-O-1119	37. 02-R-1125	42. 02-R-1079
5. 02-O-1142	38. 02-R-1126	43. 02-R-1080
6. 02-O-0602		44. 02-R-1081
7. 02-O-1013		45. 02-R-1082
8. 02-O-1148		46. 02-R-1083
9. 02-O-0864		47. 02-R-1084
10. 02-O-1017		48. 02-R-1085
11. 02-O-1020		49. 02-R-1086
12. 02-R-1143		50. 02-R-1087
13. 02-R-1104		51. 02-R-1088
14. 02-R-1120		52. 02-R-1089
15. 02-R-1121		53. 02-R-1090
16. 02-R-1122		54. 02-R-1091
17. 02-R-0470		55. 02-R-1092
18. 02-R-0810		56. 02-R-1093
19. 02-R-1182		57. 02-R-1094
20. 02-R-1118		58. 02-R-1095
21. 02-R-1146		59. 02-R-1096
22. 02-R-1177		60. 02-R-1097
23. 02-R-1179		61. 02-R-1098
24. 02-R-1101		62. 02-R-1099
25. 02-R-1102		63. 02-R-1127
26. 02-R-1103		64. 02-R-1128
27. 02-R-1145		65. 02-R-1129
28. 02-R-1134		66. 02-R-1130
29. 02-R-1135		67. 02-R-1131
30. 02-R-1136		68. 02-R-1132
31. 02-R-1176		69. 02-R-1133
32. 02-R-1072		
33. 02-R-1073		

02-0-1148

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JUL 01 2002

COUNCIL

- ☐ CONSENT REFER
☐ REGULAR REPORT REFER
☐ ADVERTISE & REFER
☐ 1st ADOPT 2nd READ & REFER
☒ PERSONAL PAPER REFER

Date Referred 6/17/02

Referred To: C.D./H.R.

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee _____
Date _____
Chair _____
Referred to _____

Committee _____
Date 6/25/02
Chair _____
Action: _____
Fav, Adv, Hold (see rev. side) _____
Other: _____
Members _____
Refer To _____

Committee _____
Date _____
Chair _____
Action: _____
Fav, Adv, Hold (see rev. side) _____
Other: _____
Members _____
Refer To _____

FINAL COUNCIL ACTION

☒ 2nd ☐ 1st & 2nd ☐ 3rd
Readings
☒ Consent ☐ V Vote ☒ RC Vote

CERTIFIED

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JUL 01 2002

ATLANTA CITY COUNCIL PRESIDENT

Calvin W. Woodard

CERTIFIED
JUL 01 2002

Flora Douglas Johnson
MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED
JUL - 9 2002

MAYOR